

CHAPTER NO. 19

HOUSE BILL NO. 2371

By Representatives Eldridge, Shaw

Substituted for: Senate Bill No. 2350

By Senator McLeary

AN ACT to repeal Chapter 479 of the Private Acts of 1949, and any other acts amendatory thereto, and to regulate pyrotechnics in certain parts of Madison County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 479 of the Private Acts of 1949, and any other acts amendatory thereto is repealed.

SECTION 2. Fireworks classified as D. O. T. Class C common fireworks as defined in Tennessee Code Annotated, Section 68-104-101(2) may be manufactured, sold, offered for sale, possessed, used, or shipped or caused to be shipped into or received in any unincorporated area within Madison County in accordance with the provisions of Tennessee Code Annotated, Title 68, Chapter 104, Part 1.

SECTION 3.

(a) No fireworks, including those items classified as D.O.T. Class C common fireworks as defined in section 68-104-101(2), shall be manufactured, sold, offered for sale, possessed, used, or shipped or caused to be shipped into or received in any municipality located in Madison County.

(b) Any such fireworks manufactured, sold, offered for sale, possessed, used or shipped or caused to be shipped into or received in any such municipality in violation of subsection (a) are declared to be contraband and subject to confiscation wherever found within the boundaries of such municipalities. It shall be the duty of the sheriff and other law enforcement officers of Madison County to seize such article or articles and destroy them.

(c) A fine of not less than fifty dollars (\$50.00) or any higher amount authorized by law shall be assessed against any person violating the provisions of subsection (a).

(d) Nothing in this section shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal in accordance with the provisions of section 68-104-107.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Madison County. Its approval or nonapproval shall be proclaimed by the presiding officer of Madison County and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

PASSED: March 17, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 23rd day of March 2005



PHIL BREDESEN, GOVERNOR